

Hon. R. Baldwin's Letter

Read by Mr. Perry, on Thursday last, in the House of Assembly.

FRONT STREET, March 16th 1836.

DEAR SIR:—

Myself and my colleagues having felt it our duty to tender our resignations, and the Lieutenant Governor having been pleased to accept them, I waited on his Excellency to request his permission to make public in the usual parliamentary way the steps which led to the formation of his Excellency's late cabinet, and the circumstances which occasioned its dissolution:—to which His Excellency in the handsomest manner frankly acceded, most graciously assuring me that his confidence in me personally was such that he presented me with a *carte blanche* to state the whole from the commencement of the negotiations to the acceptance of our resignations.

None of the members of the late Provincial Administration having the honor of a seat in the Commons, I know of no way in which such information can be more respectfully communicated than in a letter addressed to you for the purpose of being read in your place, or of the house being put in possession of its contents in whatever other way your more intimate acquaintance with parliamentary forms may suggest.

I therefore beg leave to state that his Excellency having done me the honor to send for me, explained the position in which he found himself placed on assuming the government of the Province, and declaring himself most anxious to do the best he could to insure to the province good and cheap government, expressed himself most desirous that I would afford him my assistance by joining his Executive Council assuring me that in the event of my acceding to his proposal I should enjoy his full and entire confidence—I informed his Excellency of my extreme reluctance to again embark in public life, and proceeded to state that notwithstanding such reluctance, and reserving to myself the option of declining to accept the seat which his Excellency had tendered to me on private grounds merely, I yet felt as his Excellency had done me the honor of sending for me I would not be performing my duty to my sovereign or the country if I did not with his Excellency's permission explain fully to his Excellency my views of the constitution of the province and the change necessary in the practical administration of it particularly as I considered the delay in adopting this change as the great and all absorbing grievance, before which all others in my mind sunk into insignificance, and the remedy of which would most effectually lead, and that in a constitutional way, to the redress of every other real grievance, and the finally putting an end to all clamor about imaginary ones; and that these desirable objects could thus be accomplished without in the

efficiently representing and urging my views. His Excellency declaring that his doors should at all times be open to me, and that he should be happy to listen and give his most serious consideration to any subject which I might any time think it important to lay before him. His Excellency always reserving the right to decide for himself; His Excellency at the same time remarking that he had no objection to the Council, each continuing to enter and urge his individual opinions, as the opinions of one would be neutralized by those of another. I then informed His Excellency that upon the principles which I had opened to him there were two grounds upon which I could not consistently comply with His Excellency's wishes—first, that no provincial administration would in my opinion be capable of affording His Excellency that assistance and support which his government would require unless sufficiently possessed of the confidence of the Provincial Parliament to command majorities in it, and that I did not feel that confidence could be obtained without further assistance—and secondly, that though in private life I was on perfectly good terms with all the gentlemen who composed His Excellency's Executive Council, and on most friendly terms with one of them, yet as public men I had in them no confidence whatever and had formerly when in public life denounced them and those with whom they acted as politically unworthy of the confidence of the country, & therefore that I felt I could not take office with them. At length after a consultation held by His Excellency's permission, with Dr. Rolph and my father, finally, on the two grounds above mentioned declined to accept a seat in the Executive Council.

It is proper that I should here remark though those principles were fully opened to His Excellency at my first interview some of the conversations above adverted to (though I believe none that could be considered essential to the full exposition of the principles themselves) passed during the subsequent interview which I had the honor of having with the Lieutenant Governor in the course of the negotiation.

Having been subsequently again sent for by His Excellency and requested to state more explicitly what the assistance was to which he had before alluded, I replied that I considered the assistance of Dr. Rolph, Mr. Bidwell, Father and Mr. Dunn in the Executive Council most desirable and that of Dr. Rolph absolutely necessary to insure that public confidence in His Excellency's Government without which I was convinced His Excellency with the best intentions in the world would fail to accomplish those desirable objects which he had in view. His Excellency after an interview which he informed me he had with Mr. Bidwell again opened the negotiation by a renewed tender of a Seat in the Executive Council, giving me at the same time to un-

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me, the information which it was necessary the
public should be in possession of, could be
communicated consistently with the respect
due to a communication from the representa-
tive of the King—copies of this note and of
my acknowledgement of the receipt of it I
subjoin.—

These negotiations partly retarded by my
absence in the country, were in progress from
the 8th until the 20th ultimo, on which day
we were sworn into office.

Having thus explained the circumstances
which led to our appointment, I have only to
add with respect to our retirement from office,
that the principles, the facts and the views
which were afterwards embodied in the formal
representation of the Executive Council were,
(at least ten days before being thus formally
presented to His Excellency for consideration)
at very considerable length, amicably discus-
sed between the members of the Executive
Council and His Excellency, and afterwards
continued the subject of deliberate considera-
tion among the members themselves, for ano-
ther week, when on the fourth of this month
the formal representation alluded to, was un-
animously adopted and presented to His Ex-
cellency.

With respect to which, I shall only add,
that the course of local government and the
reasons for it set forth in the representation
from the Council, were thus officially sugges-
ted to the more formal consideration of His
Excellency, from a solemn conviction that it
was the only system which would operate "for
the good of the King and of this Province,
and for the peace, rest and tranquility of the
same."

To this representation, the Executive Coun-
cil, on the following Thursday, being the next
regular Council day, received his Excellency's
reply.

In this reply His Excellency having intima-
ted his wish that "should the Executive
Council be of opinion that the oath they had
taken required them to retire from His Excel-
lency's confidence rather than from the princi-
ples they had avowed, they would not on his
account for a moment hesitate to do so,"—
the members of the Council on Saturday last
waited on His Excellency and tendered their
resignations, which His Excellency was gra-
ciously pleased to accept.

With respect to which I would here take
the liberty of remarking, that having in the
representation alluded to but reiterated in a
more formal manner in conjunction with my
colleagues under the sanction of the oath
which I had in the mean time taken, the same
principles and opinions which His Excellency
knew me to entertain previous to his honour-
ing me with a seat in his Council, however
desirous I might be of giving my best sup-
port to His Excellency's government or of not
hastily abandoning the important duties of my
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and that in a constitutional way, to the redress of every other real grievance, and the finally putting an end to all clamor about imaginary ones; and that these desirable objects could thus be accomplished without in the least intrenching upon the just and necessary prerogatives of the crown, which I considered when administered by the Lieutenant Governor through the medium of a Provincial Ministry responsible to the Provincial Parliament, to be an essential part of the constitution of the province. That these opinions were not hastily formed—that they were, on the contrary, those which I had imbibed from my father who though now for some years as well as myself unconnected with public life, had formerly held a much more distinguished position in the politics of the country than I could pretend to and that they were opinions which the experience of every year had more and more strengthened and confirmed—That I felt convinced that the prompt adoption of those views was the only means of consolidating the connexion with the Mother country, to the preservation of which no one was more devotedly attached, or ready to make greater sacrifices than myself—That they were nothing more than the principles of the British Constitution applied to that of this Province, and which I conceived necessarily to belong as much to the one as the other—That the call for an Elective Legislative Council, which had been already formally made from Lower Canada, and had been taken up and appeared likely to be responded to in this Province, was as distasteful to me as it could be to any one, as all that to me appeared necessary or desirable was the constitution as it stood fully and fairly acted upon; and that I was convinced that had such a course been adopted some years ago we should not now have had the public discussing the expediency of an alteration in the constitution by the introduction of a provision for an Elective Legislative Council—That I feared it might now be too late, but as I was not sufficiently aware of the exact state of the question to speak decidedly. I sincerely hoped that by the prompt adoption of a responsible Provincial Administration under the King's Representative the question might even yet be set at rest—and in reply to an objection of his Excellency that the adoption of such a course would be placing the Lieutenant Governor in a position similar to that of the King which was inconsistent with the fact of his responsibility I explained that as far as regarded the internal affairs of the Province the Lieutenant Governor was in point of fact as far as this Province and its parliament were concerned as completely irresponsible as the King himself, as there certainly neither existed, now in my opinion ought to exist any legal or constitutional means of calling him to account in this country for any act of His Government.—That his responsibility was to the King and Parliament of the empire, and was perfectly proper and necessary for the preservation of the paramount authority of the mother country and the protection of her interests in mat-

terview which he informed me he had with Mr. Bidwell again opened the negotiation by a renewed tender of a Seat in the Executive Council, giving me at the same time to understand that if accepted, he was prepared to me the assistance of Dr. Rolph and Mr. should these gentlemen have no objection to me. Upon this with His Excellency's permission I again consulted with Dr. Rolph, Mr. well and my father, and I feel it due to the latter to take this opportunity of stating I received the fullest assurance of their moral support to a Cabinet composed of Dr. Mr. Dunn and myself, and the expression of their opinions that in the present conjuncture public affairs their being taken into the Council ought not to be further urged—which decided course on their part so consistent with the position which they hold in the public confidence, the country I am persuaded cannot but appreciate.

This renewal of the negotiation was however ultimately closed by my again finally declining to accept office in consequence of His Excellency not feeling himself justified in continuing to the removal of those gentlemen who were already in the Council.

Upon this His Excellency sent for my father to whom he made a similar tender of a Seat in the Executive Council, & his fullest confidence in the event of his accepting it—and I am authorised to say that Dr. Baldwin on that occasion informed His Excellency that his views and principles were similar to those which had already fully laid before his Excellency and that he felt it impossible to take office in conjunction with the three gentlemen who formed his Excellency's Executive Council.

His Excellency then sent for Dr. Rolph whom he made a similar tender of his confidence—Dr. Rolph having obtained his Excellency's permission to consult Mr. Bidwell, Mr. Dunn, my father and myself, it was the course of that consultation pressed upon that as the principle of responsibility although long before the public, had never yet been acted upon, and that taking it for granted [as it was but justice to his Excellency to do] the Excellency although mistaken in his view of the Constitution of the country, might yet sincerely desirous of governing according to that Constitution, and that in that case it would be found necessary was to convince that the views and principles which I had acted to him were just and constitutional, to their adoption, or the procurement of his Excellency's influence to obtain their adoption that notwithstanding what his Excellency said with respect to the opinions of one member of the Council being neutralized by those of another which appeared to arise more from a want of sufficient practical acquaintance with the working of the political machinery of government, which time and experience would surely correct, than from any other cause would perhaps not be performing our duty if His Excellency or the country were waiting his having gone thus far to meet our views and then to refuse all concession on our part.

To this reasoning having given a me-

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 hastily abandoning the important duties of my
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 sumed, I could not for a moment hesitate
 when the alternative presented to me was the
 abandonment either of my principles or my
 place.

I have the honor to be, &c.

ROBERT BALDWIN.

PETER PERRY, Esq. M. P. P.

Copy.

Government House,

Feb'y 19. 1836. }

DEAR SIR: I have great pleasure in learning
 that you, Dr. Rolph, and Mr. Dunn, accept
 the invitation I have made to you by joining
 the Executive Council.

The confidence I shall repose in you will
 be implicit, and as I have no preliminary con-
 ditions to accede to or require from you, I shall
 rely on your giving me your unbiassed opinion
 on all subjects respecting which I may feel it
 advisable to require it.

I remain, Dear Sir,

Your's faithfully,

(Signed) F. B. HEAD.

R. BALDWIN, Esquire.

[Copy.]

Mr. Robert Baldwin has the honor to ac-
 knowledge the receipt of His Excellency, the
 Lieutenant Governor's note of the 19th inst.
 and will transmit a copy to Mr. Dunn and Dr.
 Rolph without delay.

speaking decidedly. I sincerely hoped that by the prompt adoption of a responsible Provincial Administration under the King's Representative the question might even yet be set at rest—and in reply to an objection of his Excellency that the adoption of such a course would be placing the Lieutenant Governor in a position similar to that of the King which was inconsistent with the fact of his responsibility I explained that as far as regarded the internal affairs of the Province the Lieutenant Governor was in point of fact as far as this Province and its parliament were concerned as completely irresponsible as the King himself, as there certainly neither existed, now in my opinion ought to exist any legal or constitutional means of calling him to account in this country for any act of His Government. —That his responsibility was to the King and Parliament of the empire, and was perfectly proper and necessary for the preservation of the paramount authority of the mother country and the protection of her interests in matters properly and constitutionally belonging to the exercise of that authority.—But that what the constitution required was that there should be persons within this country itself who could be made responsible to the provincial parliament here for the administration of the internal affairs of the Province. To another objection of His Excellency that the adoption of my views would deprive the Lieutenant Governor of all power, and convert him into a cypher. I distinctly denied any such as a consequence of my principles, as I fully admitted the Lieutenant Governor to be constitutionally clothed as the Royal Representative, with the same powers within the Province with respect to its internal affairs as those possessed by the King himself with respect to the affairs of the empire at large, which appeared to me to be all that he could desire, and at all events all that the constitution had given him. That he had always the same constitutional right to accept or reject the advice of any of His Executive Councilors, and that as in England the only alternative for them was to resign when they and the Lieutenant Governor differed on any point which they conceived of sufficient importance to call for such a step—in which event the Lieutenant Governor was perfectly free to call to his Council when he pleased. His Excellency very candidly declared his entire dissent from such views and opinions; he, nevertheless, with the most gracious expressions of satisfaction at the very full and candid manner in which I had opened them to him, renewed his solicitation for my acceptance of a seat in the Executive Council, suggesting as an inducement for such acceptance, the increased facilities which by my place in the Executive Council would be afforded towards the more

out justice to his Excellency to say that his Excellency although mistaken in his views of the Constitution of the country, might yet be sincerely desirous of governing according to that Constitution, and that in that case all that would be found necessary was to convince him that the views and principles which I had opened to him were just and constitutional, to insure their adoption, or the procurement of his Excellency's influence to obtain their adoption, and that notwithstanding what his Excellency had said with respect to the opinions of one member of the Council being neutralized by those of another which appeared to arise more from a want of sufficient practical acquaintance with the working of the political machinery of government, which time and experience would necessarily correct, than from any other cause it would perhaps not be performing our duty to His Excellency or the country were we after his having gone thus far to meet our views peremptorily to refuse all concession on our part.

To this reasoning having given a most reluctant consent, I empowered Dr. Rolph in accordance with the course deemed by him most respectful to His Excellency to state to the Lieutenant Governor that I was willing with His Excellency's permission to reconsider His Excellency's proposal and to consider the negotiation reopened upon the footing on which it stood previous to its having been last closed with me—To which His Excellency having at once acceded and the negotiation having been thus reopened: after some further consultation upon the subject with Mr. Dunn, His Excellency was finally informed that Mr. Dunn, Dr. Rolph and myself had, though reluctantly, consented in compliance with His Excellency's wishes and as a mere experiment and one which we feared would fail, to accept seats in His Excellency's Executive Council without the retirement of the three gentlemen who were already members of it.

Afterwards on our all waiting on His Excellency previous to our being sworn, I pointed out and insisted upon the necessity that lest compromise of principle might be imputed to us in consequence of the course we had taken which in the public eye must necessarily appear equivocal, some announcement should be made of the unfettered terms upon which His Excellency was pleased to receive us into his confidence, which at His Excellency's suggestion, was finally arranged to be in the shape of a note to that effect, to be addressed to me (as the person first sent for) by His Excellency and of which I was to be at liberty to make any use that I might deem necessary or proper. Which note, was, at my request in accordance with the gracious permission which I had received, read publicly by a member of each House of Parliament in his place; this being the only manner in which it appeared to